

SENATE BILL REPORT

SHB 1314

As Reported By Senate Committee On:
Law & Justice, April 1, 1997

Title: An act relating to computing the time within which an act is to be done.

Brief Description: Computing the time within which an act is to be done.

Sponsors: House Committee on Law & Justice (originally sponsored by Representatives Bush, Cooper, Carrell, Wood, Smith, Lambert, McDonald, Benson, Mielke, Cole, Talcott, Romero, Mastin, Scott, Sheahan, Lantz, L. Thomas, D. Schmidt, Cooke, Sherstad, Wensman and Dunn).

Brief History:

Committee Activity: Law & Justice: 3/24/97, 4/1/97 [DP].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Roach, Chair; Johnson, Vice Chair; Hargrove, Long, Stevens and Zarelli.

Staff: Mal Murphy (786-7412)

Background: Many provisions of the law require an act to be done within a specified period of time. The general rule on how to compute time, expressed in Chapter 1.12 RCW, is that a time period shall be computed by excluding the first day and including the last day, unless the last day is a holiday or a Sunday, in which case that day is also excluded.

The Pollution Control Hearings Board hears and decides certain appeals from administrative decisions of the Department of Ecology. An appeal of a decision of the Department of Ecology must be made to the Pollution Control Hearings Board within 30 days from the date of the notice of the department's decision. A recent court of appeals case held that the 30-day period starts when the notice of the decision is mailed.

Summary of Bill: The general rule on the computation of time is amended to exclude a Saturday from the calculation if the Saturday is the last day.

The provision concerning an appeal of an administrative decision to the Pollution Control Hearings Board is amended to specifically provide that the 30-day period starts on the day that the notice of the administrative decision is mailed to the appealing party.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The rule on computing time should exclude Saturday, since the state and most other offices are closed that day.

Testimony Against: None.

Testified: Representative Bush, prime sponsor (pro).